

REMARKS

Claim 1 is amended to further clarify the nature of the claimed invention. Applicants note that the specification contains multiple examples of embodiments where $q = 0$, X^1 is oxygen, X^2 is oxygen, $m = 2$, M is boron, and A^{a+} is Li^+ (commonly known as lithium bis[oxalato(2-)O,O']borate). See, for example, Examples 1 – 1 to 3 – 4 on pages 13 – 24 of the specification as filed. See also the chemical formula at page 5, line 20. Additionally, the specification as filed more generally provides a detailed description of the species within Applicants claimed invention. See, for example, the description of the compound of formula 1 at page 6, line 24 – page 8, line 30, and the description of the three preferred embodiments found at page 8, line 31 – page 10, line 31. Based on this extensive and thorough disclosure, the specification provides sufficient support to individually claim or not claim the various species of the inventive electrolyte.

Claims 1 and 16 are also amended to further clarify the claim language. Claims 2, 3, and 7 are amended for consistency with the amendments to claim 1. To the degree that the language of claims 1 – 3 and 16 may have been unclear, Applicants submit that the rejections under 35 USC 112 are rendered moot by the amendments to the claims.

The rejection of claims 1 – 18 under 35 USC 102(b)/(e) over Heider et al., US Patent 6,548,212, is respectfully traversed. Heider '212 describes an electrochemical cell containing an electrolyte comprising a lithium containing conductive salt, such as $LiPF_6$, $LiClO_4$, or $LiN(CF_3SO_2)_2$ and an organic alkali

metal salt as an additive, including lithium bis[oxalato(2-)O,O']borate. Heider et al. '212, however, does not appear to describe lithium-containing salts that correspond to the formula $A^{a+}(SbF_6^-)_a$ or that correspond to formulas (5) to (7) of claim 1 as amended. Heider et al. '212 also does not appear to describe any compounds other than lithium bis[oxalato(2-)O,O']borate that correspond to formula (1) in claim 1 as amended. Claim 1 as amended does not include combinations involving lithium bis[oxalato(2-)O,O']borate with any of the electrolytes described or suggested by Heider et al. '212. As a result, Heider et al. '212 does not describe or suggest an electrolyte according to claim 1. Reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 1 – 18 under 35 USC 102(e) over Heider et al., US Published Patent Application 2001/0033964, is also respectfully traversed. Heider et al. '964 describes an electrochemical cell containing an electrolyte comprising a borate salt and another conductive salt. The described borate salts include lithium bis[oxalato(2-)O,O']borate. The additional conductive salts include $LiPF_6$, $LiBF_4$, $LiClO_4$, $LiAsF_6$, $LiCF_3SO_3$, $LiN[(SO_2CF_3)_2]$, and $LiC[(SO_2CF_3)_3]$. However, Heider et al. '964 does not include any combinations of a borate salt and an additional conductive salt that correspond to the electrolyte of claim 1 as amended. Applicants note that the lithium bis[perfluoropinacolyl-O,O'(2-)]borate described in example 3 is not a compound corresponding to formula (1) of the claimed invention. For example, lithium bis[perfluoropinacolyl-O,O'(2-)]borate does not include the carboxylate groups

required for a compound corresponding to formula (1). Because Heider et al. '964 fails to describe or suggest an electrolyte according to claim 1 as amended, reconsideration and withdrawal of the rejection are respectfully requested.

U.S. Patent Application No. 09/969,127 is owned by the assignee of this application. A terminal disclaimer is provided with this response to overcome the rejection of claims 1 – 8 on the grounds of obviousness-type double patenting.

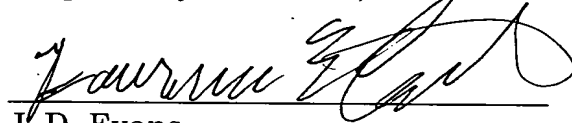
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038788.50687US).

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Respectfully submitted,



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